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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(San Francisco Division)

PETER SINGLETON, et al.	)	Case No. C 04-00469 SI
	)	
Plaintiffs,	)	STIPULATION AND ORDER
	)	RE: CHANGES TO DISCOVERY
	)	DEADLINES, AND MEDIATION,
vs.	)	VACATING VARIOUS DATES
	)	AND SCHEDULING CMC
COUNTY OF SAN MATEO, et al	)	
	)	
Defendants.	)	
	)	

The parties hereto, by and through their respective counsel, and in consideration of the following, hereby stipulate as set forth below, and ask this court order same.

An important expert witness for plaintiffs, Mr. Rick O'Hanlon of the San Diego PD, had been retained (payment had already been made) to act as an expert for plaintiffs, however, approximately 8 days ago, he had a family emergency involving a parent who lives on the east coast, and it required him to withdraw, and he has taken a leave of absence from his own employment for a period of one month.

1 As a result of this unfortunate event, Plaintiff's counsel contacted defense counsel and  
2 several conversations were had over the last few days about the impact of this development. In  
3 the course of those meet and confer efforts, certain disputes with regard to other discovery issues  
4 between the parties (including a request for an IME by defendants currently pending before the  
5 court), and the possibility of further mediation, were discussed.

6 Mindful that the case has been on the court's docket for quite some time, but faced with  
7 the loss of the expert and the difficulty of replacing him on short notice, as well as consideration  
8 of the impact backing up the expert disclosure dates has on the rest of the scheduled dates in the  
9 matter, the counsel agreed that some changes needed to be made to the existing schedule in the  
10 case. Some additional concerns that impacted this decision were some conflicting trial dates on  
11 both counsel's calendar that would make completing expert discovery and preparing any  
12 dispositive motions difficult at best, and the upcoming summer months in which both counsel  
13 have vacation plans and plaintiffs' counsel will be going out of the United States with his family.

14 All counsel have agreed that the proposed stipulation and order below best serves the  
15 interests of the parties and their counsel, and submit it best serves the court in receiving a fully  
16 prepared case for trial or having it resolved short of trial. Counsel respectfully requests the court  
17 order as follows;  
18

- 19 1. The date for exchange of the expert witness disclosures in this matter pursuant to Rule  
20 26, is changed to July 15<sup>th</sup>, 2005.
- 21 2. The date for the supplemental expert disclosures is changed to July 29<sup>th</sup>, 2005.
- 22 3. The parties (or at least one person with full authority to settle the matter on behalf of each  
23 party), will attend a mediation with Dana Curtis on June 14<sup>th</sup>, 2005, at 9:00 a.m., at the offices of  
24 John Flegel, located at 1100 Alma St. Suite 210, Menlo Park, CA 94025. The mediation is  
25

limited to four hours, unless otherwise agreed at the time, and the parties will share equally in payment of the mediator's fees, and promptly contact her to arrange said payment.

4. All trial and discovery deadlines that have not already passed, and excepting the expert discovery cut-off dates above, are hereby vacated.

5. If the matter is not resolved at the aforementioned mediation, counsel for the parties shall meet and confer and schedule a CMC in the month of August, 2005, at which time any remaining discovery deadlines and cut-off dates, as well as dispositive motion and trial dates, will be discussed and set.

IT IS SO STIPULATED.

\_\_\_\_\_/s/\_\_\_\_\_/ 6/6/05  
Robert R. Powell – Attorney for  
Plaintiffs

\_\_\_\_\_/s/\_\_\_\_\_/ 6/6/05  
John Flegel – Attorney for the City of  
Menlo Park and Glenn Raggio

### ORDER OF COURT

Based on the foregoing stipulation of the parties, and good cause appearing therefore, the court hereby adopts the stipulation of the parties set forth above as an order of this court.

IT IS SO ORDERED.

\_\_\_\_\_  
Judge S  
Court f

A further case management conference has been scheduled to occur on Friday, August 26, 2005, at 2:30 p.m. A joint statement must be filed one week prior to the conference.

